

Raymond P. Hayden
Anthony J. Pruzinsky
Thomas E. Willoughby
Kipp C. Leland
Lauren E. Komsa
Hill Rivkins LLP
Attorneys for Claimants Trouw
Nutrition USA, LLC, et. al.
45 Broadway, Suite 1500
New York, NY 10006

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE M/V MSC FLAMINIA

MASTER FILE: 12 Civ. 8892 (AJN)

THIS DOCUMENT RELATES TO:

SECOND AMENDED CROSSCLAIM
AGAINST PANALPINA INC.

All Actions

Claimants Trouw Nutrition USA, LLC, et al.¹ (hereinafter “Claimants”), hereby amend their First Amended Crossclaim filed on April 11, 2014², and allege the following crossclaims against Panalpina Inc. (hereinafter “Panalpina”) upon information and belief:

¹ Trouw Nutrition USA, LLC, RLI Insurance Company, Senator International Ocean LLC, Plastic Omnium, Automotive Exterior, Borbet, Alcan Automotive LLC, IAC Spartanburg, Behr Industries, Mubea Inc., Carcoustics USA, Lear Corporation, Magna Exteriors and Interiors, Proper Polymers, Excell USA Inc., TI Automotive, Draeklmaier Automotive America, BMW Group Plan 2.7, BMW AG Werk 2.7, Gulbrandsen Chemicals Inc., Novozymes, Nuco Logistics, Inc., Arr-Maz Custom Chemicals Inc., Triple F Logistics B.V., Cray Valley USA Inc., CJ Hendricks B.V., The Lubrizoil Corporation, Lubrizoil France SA, Bercen Inc., Sellukem AB, Trouw International, Hellas S.A., RLI Insurance Company as subrogee for Chemtura Corporation, Chemtura Europe GMBH and Chemtura Italy, S.R.L., Chartis Seguros Mexico, S.A. de CV, AMI Trading (USA), Inc., Jewometaal Stainless Processing, Arubis AG, Shandong Jinsheng Non-Ferrous Group Co., Ltd., Armstrong World Industries Inc., Expeditors MCO, Expeditors International (UK) Ltd., Atlas Van Lines International, Oceanic Container Line, Inc., Oceanic Shipping & Transport GmbH, Lager, Cooper Tire & Rubber Company, Cooper Tire & Rubber Company Europe Ltd., Coty Geneva S.A., Coty US LLC, Cray Valley USA LLC, Kinetsu World Express (USA) Inc., Environmental Express Inc., Metlab Supplies Ltd., DHL Global Forwarding, Firestone Building Products Co., Weihag GmbH, Bridgwell Resources LLC, Nippon Denko Company Ltd., Quiborax S.A., Special Metals Welding Products Company, Precision Castparts, Equipos Nucleares SA, Magnelec S.A. de C.V., Veitsch Radex GmbH & Co. OG, Viscofan USA Inc., Procasing, Taminco, Inc., United Transport Tank Containers, United Transport Tank Containers B.V., 3M Belgium, N.V., Interbulk (Tank Containers) Ltd., Nufarm UK Ltd., Butachimie, SKF de Mexico, S.A de C.V., SKF GMBH, UAB NEO Group, Productora De Tereftalatos de Altamira S.A. De C.V., EPU

Service Center, NEK, Schlumberger Technology Corporation, Terza S.A de C.V., Galleon International Freight Service, Groupement Ivorien D'Industrie ET, Total Petrochemicals & Refining USA, Inc., AGCS Marine Insurance Company, Rockwood Holdings, Inc., Rockwood Lithium, Inc., Chemetall GmbH, Volkswagen Group of America, Inc., Zenda Dienstleistungen GmbH, Rudolph Logistik Gruppe, GmbH, Volkswagenwerk AG, Baillie Lumber Sales Co., Baillie Lumber Co., Trinseo Materials Operating S.C.A., Styron, LLC, Styron Europe GmbH, Industrias John Deere SA de C.V., Wayand GmbH, John Deere International GmbH, Dosecc Exploration Services, LLC, Global Logistics Shipping Inc., Hydrobiological Institute-Ohrid, Rayonier, Inc., SE Tylose GmbH & Co. KG, Vopak Agencies Rotterdam B.V., Dow Chemical Company, Dow Europe GmbH, BDP International NV, Angus Chemie GmbH, Amerchol Corporation, Estee Lauder, Inoac Polytec de Mexico, Whitman Laboratories Ltd., Unitrans P.R.A. Company, Inc., FT&T Consulting, Grand Medical Group, Dart Containers FCA Bahamas, Polymers International Limited, Surrey Europe SARL, Red Square Corporation, Nomad Brands, Inc., LLC, NCR Nederland, NCR SDC, NCR Global Solutions Ltd., Gaylord Chemical Co. LLC., IMCD Benelux N.V., IMCD Switzerland AG, ICC Chemical Corporation, Fleur de Lis Worldwide, LLC, MTS Logistics, Inc., Pioneer Trade, Kotak Mahindra Bank Ltd., Pioneer Polyleathers PVT Ltd., Parmar International PVT, Ltd., International Commodities Inc., Arubis Belgium NVSA, Tyco International Ltd., Ocean World Lines Inc., OWL Belgium, Honeywell International Inc., E Rigas SA, Anheuser-Busch International Inc., Anheuser-Busch Inbev NV, Arkema, Inc., Pfauth Logistiek Diensyverl, Arkema Vlissingen BV, PJ Lumber Company, Lathams Limited, Ramsay Timber, Junkers Industrier A/S, Danzer UK Ltd., Hardwood Dimensions Ltd., Timber Connections Ltd., Tzeng Long USA, Inc., RockTenn CP, LLC, Cheng Loong Corporation, Indemnity Insurance Company of North America, Ace European Group Ltd., Ace Seguros S.A, Argus Limited, GrafTech Switzerland SA, Network America Lines, Graftech Mexico, Brokmak OU, Graftech Frances SNC, Arcelomittal, SNF Holdings, Flomin, Inc., SNF Saint Avoird, SNF SAS, Roam Global Logistics LLC, Tetra Technologies Norge, Milliken & Co., Ahlers EDC, Eastman Chemical Company, Steinweg-Handelsveem, CISC Ligget-Ducat, British American Tobacco PLC, LLC PetroResurs, General Mills UK, Ayecue Internacional S.L.U., C.H. Robinson International Inc., C.H. Robinson Poland S.P. ZO.O, Line X Acquisition LLC, Clariant Corporation, Potter Group, Ltd., Clariant Production UK Ltd., Ecolab, Inc., Nalco Company, Rauan Nalco LLC, Mexpack International Movers S.A. de C.V., Mueller Water Products, Inc., RIM Logistics, Ltd., VCK Rotterdam BV, Protim Solignum Ltd., GP Cellulose GmbH, GP Harmon Recycling LLC, Centre Point JB Nagar, Unicharm Corporation, The Procter & Gamble Company, Westerlund, Societe Industrielle De Papeterie, Farmeko, Liberty International Underwriters, Johann Haltermann Ltd., Monument Chemical BVBA, Copperweld Bimetallics LLC, Red Electrica de Espana, The Continental Insurance Company, Toyo Cotton Co., Fiber Source International Corp., Asya Kagit Matbaa Gida Ve, Tekstil Santic AS, Stemaco USA Inc., SB Enterprises, JA LaCour Company, Giorgio Gori USA Inc., CNA Metals Limited, Thai Nguyen Iron and Steel Joint Stock Corporation, Oceanic Logistics Inc., ExxonMobil Chemical Company, Advanced Elastomer Systems Ltd., ExxonMobil Specialty Elastomers, ExxonMobil Petroleum & Chemical Holdings Inc., Mobil Chemical Products International, Esso Societe Anonyme Francaise, ExxonMobil Chemical Films, ExxonMobil Chemical Films Europe, Emeraude International SAS, XL Specialty Insurance Company, Cabot Corporation, Kansai Nerolac Ltd., Bilakhia House, Tokio Marine & Nichido Fire Insurance Co. Ltd., Shintech, Inc., Klockner Pentaplast, Mitsubishi Corporation, Agrinorte S.A., Itochu Plastics PTE Ltd., Unitcargo Container Line, Holzextroplast, Aspen American Insurance Company, Inter-Trans Insurance, Raif Coskun Caglar, Rainier Overseas Movers Inc., Vinmar International Limited, Tricon Dry Chemicals LLC, MTS Lojistik Ve Tasimacilik Hizmetleri TIC A.S., Elite House LLP, Taloox Group LLC, Trinity Industries Inc., Allseas Global Logistics, Hill & Smith Ltd., Formosa Plastics Corporation, TCR Plastics, Apiexport S.A. De CV Lamex Foods UK, Multienlaces De Transportes Internacionales SA De CV, Banks and Lloyd (Shipping) Ltd., Great American Insurance Company, Al Ahlia Insurance, NipponKoa Insurance (Europe), ProSight Specialty Insurance, Classic American Hardwoods, Timber Connection, Palmer Timber, Naddi Motors, Link Lines Logistics, Inc., GoLink Ltd., Hanna Motors, Society A-N Auto Import Export, JF Hillebrand Mexico SA, Bahrain Maritime & Mercantile International, Wisco Espanola SA, Ivan Luna Segura, Carolinas Cotton Growers Coop., Starr Indemnity & Liability Company, American Hardwood Industries, LLC, Tradelanes, Inc., Caterpillar Inc., Caterpillar SARL, Eneria S.A.S., Zeppelin Power Systems GmbH, Zeppelin Baumaschinen GmbH, Pon Power AS, Finning (U.K.) Ltd., Cargo Partner AG, Caterpillar Marine Power (UK) Ltd., Esco Corporation, Kamin LLC, Omya AB, Schuite & Schuite Druckfarben GmbH, Omya GmbH, Kansai Altan Boya Sanayi Ve Ticaret AS, Prochem AG, Omya Ural, Blagden Specialty Chemicals Ltd., Stanley Black & Decker Inc., Stanley Logistics Centre, Black & Decker Limited SARL, Expeditors International, DSV Air & Sea Inc., DSV Air & Sea Ltd., Weatherford International Inc., Sabic Innovative US, Sabic Innovative Plastics BV, Sabic Innovative Plastics India PVT Ltd., Sabic Innovative Plastics Mexico, Cummins Inc., Ceva Freight Management (Mexico), CWL Mexico S De RL, Ceva Freight (UK) Ltd., Crane Worldwide (UK) Ltd., Compania Tequilera De Arandas, S.A. DE

C.V., Vida Tequila USA, LLC, Allied Exports Inc., Allied Unlimited Inc., Carolina Ocean Lines Inc., Hardwood Timber Sales Ltd., Altamis B.V., BASF Corporation, Tchibo GmbH, Molinos De Honduras S.A. De C.V., Weber & Schaefer, The Goodyear Tire & Rubber Company, Volkswagen AG, Schryver Transportes y Logistics SA DE CV, HJ Schryver, Volkswagen of America Inc., Volkswagen Logistics GmbH & Co., Stannica, Inc., Arkema France, Crocs Europa, Crocs Mexico S.de R.L. de C.V., Zoppas Industries de Mexico, JAS Forwarding De Mexico SA De CV, Mundicarga Overseas, SA, Grupo Tecnico Especializado en Seguros, PYOSA, S.A. De C.V., Waelti Schoenfeld Exportadores De Café S.A., Outspan Guatemala S.A., Decotrade GmbH, Mallory Transportation System, VCK Logistics, Oceanfreight B.V., Cornerstone Chemical Company, UTS Ltd., Albaden Services, Ltd., Tradepro, Inc., Plastic Pool Europe S.A., Goodyear International Corporation, Goodyear Lastikleri TIC A.S., Intertex World Resources Inc., Orazio Riserio Giuseppe DeFilippis, Pirelli Tyre S.P.A., Ceva Logistics Central & Eastern Europe, Liebherr Components, Impacaiacea Del Golfo De Mexico, JV Foods Ltd., Airport Clearance Services, Inc., UTC Overseas GmbH, Aces Division of Kuehne & Nagel Inc., Kuehne & Nagel Ltd., Kuehne & Nagel Gesellschaft N.B.H, TC Trading, TC Trading Laurintie, Cardex Sociedad Anomia, Pagarani International Limited, Transportation Worldwide Inc., William Keith Coates, Moutainaire Farms, UAS Jurvista, Yusen Logistics (UK) Ltd., Econocaribe Consolidators, Inc., Hachemie GmbH, Disachim S.A., Stolt Mark Containers BV, Chevron Oronite Company LLC, Helvetia Insurance S.A., Challenge International, UTS Carrier LLC, BDP Transport Inc., BDP International BV, BDP Global Logistics (India) Pvt Ltd., Marecbol, Repro Plastics Canada Inc., Saga France, Fortune Metals Inc., PT Hanil Jaya Steel, Global Shipping Services LLC, UAB Bellville Rodair International Baltic, Cervceria Modelo, S.A. DE C.V., Gmodelo Europa S.A.U., Compania Cervecera del Tropico, S.A. DE C.V., Carlberg Kazakhstan Ltd., Compania Cervecera de Zacatecas, S.A. DE C.V., Transporte Multimodal S.A. DE C.V., Toll Global Forwarding, Weylchem US Inc., Syngenta Crop Protection, Owens Corning Mexico S DE R L DE C.V., European Owens Corning Fiberglas Spri, General Noli, S.A., Alimentos Agricolas y Naturales, S.A. DE C.V., Anne Cauwel Haudecoeur, John Deere International, E.I. du Pont de Nemours and Company, Molnlycke Health Care OY, Dupont de Nemours (Nederland), Kapstone Charleston Kraft LLC, Isovolta S.A., Dealex Ltd., Holship Finland OY, J Pearson International Inc., Amit Industries, Vogel Import Export NV, Ibero El Salvador S.A. DE C.V., Cofiroasters SA, Resolute Forest Products US Inc., Hyga SA Hygieneprodukte, Glatfelter Falkenhagen GmbH, Pan Global Trading LLC, Ann Joo Steel, Tasman Overseas International, Raghvani Textiles PVT Ltd., Lancer Europe S.A., Norit America Inc., Reliance Industries Ltd., Mega Rubber Technologies PPVT Ltd., America Chung Nam, Inc., Dongguan Sea Dragon Paper Industries, Stemcor (S.E.A.) PTE Ltd., Hoa Phat Steel Co. Ltd., Promarc International Inc., Maptrusco, Midrex Technologies, Inc., JSW Steel Limited, Metales Antillanos S.A., Hai Kwang Enterprise Corporation, Marubeni America Corporation, Universal Cargo M. S.A. DE C.V., Turkiye IS Bankasi A.S., Carnauba do Brasil Ltda, S. Kato & Co., Expeditors Intl. of Washington, ECOM Agroindustrial Corp., Uren Food Group, Air Sea Forwarders, AGS International Forwarders, Borbet Alabama Inc., Martex Fiber Southern Corp., Resin Technology LLC, A. Sheftel & Sons, Inc., Farmers Rice Milling, Royal Caribbean Cruise Lines, SCM Inc., Rucquoy Freres NV, Ronley Holdings, Beneficiadora de Almendras Urkupina S.R.L., Constantia Trading, Transcafe, S.A., Agroexport, Phoenix Trading NV, European Metal Recycling Ltd., General Logistics International Inc., Hunter Engineering Company, Allied Alloys LP, Innovia Film, Willy Poquet, Ocean Marine Shipping Inc., TIPIAK, Asociacion National De Productores De Quinoa, Crown Relocations, Tetra Technologies, Aegis Swisre, Eaton, Schenectady International Group, WM Recycle America LLC, Thyssenkrupp VDM GmbH, International N.A., Mining and Chemical Co. Ltd., S and P Recycling Honduras SA DE C.V., Cordier Spezialpapier GmbH, Recyclebenelux B.V., Borbet Solingen GmbH, Commercial Internacional De Grandos De Honduras S.A. DE C.V., Finagra (UK) Ltd., Sociedad General De Importacion Y Exportacion S.A., Aviva, Unicorn Ingredients, Promociones De Exportacion SA, Semillas Universales SA, Akra Polyester SA De CV, Timbet Oxford Ltd., William West Distributio Centre, Guildford Mills, Lampe & Schwartze, VOTG, J.G. Schuette, Miel Mex SA De CV, J.G. Schutte Honig GmbH, FUGA AG, Coffein Campagnie, Schenker Inc., Schenker Deutschland AG, Royal & Sun Alliance, Hakan Agro, Arrow Consulting Ltd., John Artis Ltd., Norkem, Zinc International SA, Cameron International, GE Transportation Parts LLC, Sol Y Agave de Arandas S.A. DE C.V., Tobacco del Pacifico Norte S.A. de C. V., British American Tobacco (GLP) Limited, Wigglesworth & Co., Corning Inc., Corning GmbH, British American Tobacco Vranje, A.D., Lubrizoil France C/O Kaneb Terminals, Lubrizoil Advanced Materials Europe, Ascend Performance Materials LLC, Katoen Natie Global Forwarding, British Airways, Crystal Intl. Corp, Waissels Ltd., Continental Tire North America, Transmode Overseas Partners, Hamburg Coffee Company, Fedecocagua, CISA Export Adora S.A., MICI-EMBACI, Klopferholz GmbH & Co. KG, International Paper, Bolivia Crece Exportaciones, Merisol USA LLC, BASF SE, Hoyer Global, WLL/DC Inbound Logistics, Rasselstein GmbH, ThyssenKrupp Presta France SAS, Fabricas Monterrey S.A.DE C.v., ThyssenKrupp Presta Mexico, Continental Tire Mexico S.A. C.V., TLI Depot BQ, Kostal GmbH, Thomas Lange Stalinski, Mendoza Balderas, Fedex Trade Network Transport &

Brokerage (Mexico), Fedex Trade Network Transport & Brokerage (Germany), Norevo Mexico SA De CV, Norevo GmbH, Robert Bosch GmbH, Institut Fur Plastination, SGT Enterprises, Rapunzel, Rapunzel Naturkost GmbH, Agencia Reyes Logistics Cargo SLU, International Search Mexico SA, Starcke GmbH & Co., Lehmann & Viss & Ci KG, Royal & Sun Alliance - Hong Kong, ACE UK, Metal Scrap Recyclers Dominicana, Champion Technologies Inc., Champion Dai-Chi Tech, Consortium Cargo, On Steel Corp., Saint-Gobain Performance Plastics Ireland, TTI Network Technologies, Manufacturas Plastiuias Rim MSSA, Hoyer Global USA, Meraux Speciaux, Trafigura, Cargill, Volkswagen, Royal & Sun Alliance Mexico, Calle 4 no 23 Co Rustica Zalostoc, Oldendorfer Str, Lloyds & Partners, Monsanto Company, Monsanto International SARL, IF-Finland, Alltech SSF De RI De CV, Cafes Finos de Exportation, Southwestern Petroleum Corp., NO Southwestern Petroleum Euro, Freeworld Trading, Harold Claude Lens, Frutlend, WUTHRICH Underwriting Agents, Jean Heybroek BV, Mitsui Sumitomo, Agro Exportaciones De Sur, Xchanging Claims, Diamond Pet Foods, Petcare AB, Zooserviss Sia, Musti Ja Mirri Oy, Blue Sky Commerce Ltd., Empacadora Del Golfo De Mexico, Zoo Point Ltd., Ivory and Ledoux, Petrochem Carless Ltd., Golden Timber Bolivia, Decoplus, Northern Virginia Trading Co. Inc., Avento Co. Inc., AASA, LPL Automotive, Schlueter Und Maack GMBH, Sinamco Trading Co., TSL LeHavre, Newmont Golden Ridge Ltd., Thermo Fisher Scientific, Cellplate PLC, Tradelaner Inc., Ocean World Liner, Naca Logistics, Moolmane Moving, Gardner Denver Water Jetting Systems Inc., Acquajet Systems AB, Pittman Tractor Company Inc., Western Emarr for Roadwork, Phoenix International Freight SVCS, Tasiast Mauritanie Ltd., Hansen Martin, Team Relocation, Gorgio Gori USA, Tirth Agro Technology PVT Ltd., Leeagra Inc., Translogistic SA, Neptune Shipping Agency, Vero Marine, OneSteel Recycling Hong Kong Ltd., Dongying Fangyuan Nonferrous Metals Co. Ltd., Katcon, Generali, SDV Logistique Internationale, SIC & Logistics SRL, Eaton Corporation, Eaton Automotive Systems, Zurich, Mercedes Benz USA, Daimler AG, BLG International Logistics Center, Arnholdt & Sohn GmbH, Neumann Gruppe GmbH, HDI-Gerling, Voith Fabrics Wilson, Kaeser Kompressoren AG, ELG Haniel, Jewometaal, G.A. Paper International, Fursten-Reform, Citrofrut S.A. De C.V., Lagnese Hoing GmbH & Co. KG, AXA Corporate Solutions, Crown Worldwide, BDM N.V., International Marine Underwriters, Barnswell Timber Ltd., Vectura Underwriting, Eurostar Commodities Ltd., M/V Mariner of the Seas, Fluent Logistics, Galavan Supplements, Ltd., Navigators, Amlin, Mexichem UK Ltd, Ashland Industries, SIRL Interaktive Logistics GMBH, Evergreen Packaging, Adam Pack SAIC, Procter & Gamble International Operations SA, Suomen Energia Juomat Oy, Ark Trading LLC, Ascend, Kordsa Global Industriyel Iplik Ve Kord Bezi Sanayi Ve Ticaret A.S., Richard Murray, Air & Sea Stecher, Sellari Enterprises, Pan Products, Handelsmaatschapij Mawipex B.V., Voicevale Limited, Tahuamanu S.A., Oxfam Fairtrade CVBA, Union DL Cooperativas de Servicios Multiples del Norie, NV Coffeeteam S.A., Baloise Insurance Belgium, Allianz Belgium, HDI Gerling Verzekeringen NV, Verheyen/AXA, Chevron Oronite SAS, Turk Ekonomi Bakasi, Nordic Wave NUF, Mountaire Farms, UAB Jurvista, Chevron Philips Chemicals Co., Crocs Europa Netherlands, Habich GmbH, Ecotray, ASF Inc, Georgia-Pacific Bleached Board, F Bender Limited, Solae LLC, Danisco USA Inc., Danisco US Inc., Meridien Marketing & Logistics Inc, Oceanic Container Inc., Lancer Incorporated, Roop Rubber Mills Ltd., Unilever/TIGI Int. Ltd., Timbmet, Lubrizoil Advanced Materials, Raccolta, Molnar & Greiner Ges. M.B.H., BMW, IAC Strasburg, MSSA, Dorskocil Manufacturing Inc., Paghanini Engros AS, ACE – Belgium, Wuthrich, Weyerhaeuser, NR Company, Lenzing Fibers Ltd, Nate Williams, Domingo Jimenez Perez, BE Aerospace, Inc., South China Insurance Company Ltd., World Best Co. Ltd., SIMS Group Global Trade Corporation, BIDVM, Stamcorp International PTE LTD, Hoa Phat Steel Joint Stock Company, Eureko Sigurto, Schumann/Steier Inc., Akdeniz Kimya San. Ve Ticaret A.S., AXA France, Pernod Ricard, Pernod Ricard Mexico, S.A. de C.V., AXA Malaysia, Kong Long Huat Chemicals SDN BHD, MSIG Thailand, PATA Chemicals and Machinery Co., Ltd., Vinmar, ExxonMobil Chemical Middle East, Allianz, AIG, Procter & Gamble/Forsakrings AB, Reclaim, British Airways Maintenance (Wales), Mawipex B.V., Zurich NA as subrogated underwriter for Goodyear International Corporation and Goodyear Lastikleri TIC A.S., Interex World Resources Inc., Ucomar N.V., Timbet, Huntsman Petrochemical LLC, Huntsman Holland B.V., Huntsman Corporation, Kolar Paper Mills PVT Ltd. and Newport Tank Containers Inc.

² This Second Amended Crossclaim withdraws prior crossclaims plead against “Panalpina World Transport Ltd.”

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and the action falls within this Court's subject matter jurisdiction pursuant to 28 U.S.C. §1333.
2. At all material times, Claimants were and still are corporations or other legal entities organized and with offices and places of business as shown in the pleadings.
3. Upon information and belief, Panalpina is a business organized and existing under the laws of a foreign country with a place of business in New Orleans, Louisiana.
4. Upon information and belief, Panalpina was and now is engaged in business as a freight forwarder and shipped or handled Divinylbenzene ("DVB") cargo carried aboard the M/V MSC FLAMINIA (the "vessel") on the voyage that is the subject of these proceedings.
5. Claimants were the owners, insurers, or otherwise interested parties in cargoes tendered to the vessel and carried aboard the vessel that never redelivered and presumed lost, redelivered in damaged condition or in condition other than that which they were in when delivered to the vessel, and/or who have been called upon to guarantee and to pay alleged salvage claims and General Average expenses in connection with said cargoes.
6. It has been alleged in this proceeding by various parties, in pleadings filed in this action, that the DVB cargoes for which Panalpina acted as freight forwarder, shipped or handled, constituted goods of a dangerous, inflammable, reactive, and/or explosive nature, that the

DVB cargoes caused or contributed to causing an explosion with resultant severe damage to Claimants' cargoes aboard the vessel, and that by reason of the explosion and/or fire of the cargo of DVB, Claimants suffered direct and indirect damage in the form of loss and destruction of their cargo or property, actual or alleged salvage or General Average liabilities and expenses, direct claims for damage to cargo and property, claims for indemnity or contribution from parties who have claimed against Claimants beyond this lawsuit in the United States and abroad, all in amounts not yet quantified.

7. It has been further alleged in this proceeding by various parties, in pleadings filed in this action, that information regarding the characteristics, handling and stowage of the DBV cargoes were not disclosed to the vessel and/or to the vessel owners, time charterers, or carriers associated with the vessel.
8. As a freight forwarder for the DVB cargo, as agent for the shipper of the DVB cargo and on their own behalf, Panalpina was obligated to provide the vessel owners, time charterers, and/or carriers associated with the vessel full information regarding the characteristics, hazards, propensities and carriage requirements of the DVB cargo prior to shipment.
9. Upon information and belief, Panalpina did not provide full information regarding the characteristics, hazards, propensities and carriage requirements of the DVB cargo to the vessel owners, time charterers, and/or carriers associated with the vessel prior to

shipment and/or did not ensure that such requirements were understood and/or agreed to, prior to shipment, which caused and/or contributed to causing the fire aboard the vessel that is the subject of this litigation.

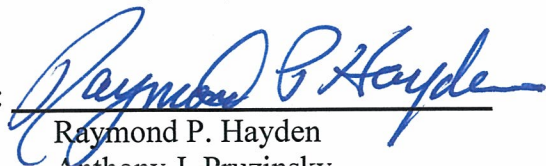
10. As a result of the above, Panalpina is liable to Claimants in negligence for all damages resulting from such explosion and fire aboard the vessel, including but not limited to the value of cargo damaged or lost, salvage assessments, General Average assessments, survey fees and associated costs, which are not fully quantified, but are well in excess of \$100,000,000.00, plus attorneys' fees, expenses, interest and costs.

WHEREFORE, Claimants pray:

- a. That Judgment be entered in favor of Claimants against Panalpina Inc. for all sums, losses and damage sustained to cargo aboard the M/V MSC FLAMINIA, plus all attorneys' fees, expenses, interest and costs incurred or to be incurred as a result of this casualty, including, but not limited to, the costs of posting security for General Average and/or for salvage, contribution paid in General Average or salvage award, survey fees, oncarriage to final destination, etc; and
- b. That Judgment be entered in favor of Claimants against Panalpina Inc. for such other and further relief as the Court deems just and proper in the premises.

Dated: New York, New York
April 29, 2014

HILL RIVKINS LLP
Attorneys for Claimants Truow
Nutrition USA, LLC, et. al.

By: 

Raymond P. Hayden
Anthony J. Pruzinsky
Thomas E. Willoughby
Kipp C. Leland
Lauren E. Komsa
45 Broadway, Suite 1500
New York, New York 10006
(212) 669-0600